

REMARKS

INTRODUCTION

In accordance with the foregoing, claims 22, 46 and 47 have been amended. Claims 1-21, 26-45 and 48-51 have been withdrawn. Claims 22, 23, 25, 46 and 47 are pending and under consideration.

CLAIM REJECTIONS

Claims 22, 23, 25, 46 and 47 were rejected under 35 USC 102(b) as being anticipated by Ikegame et al. (US 5,208,703) (hereinafter "Ikegame").

Claims 22, 23 and 25

Amended claim 22 recites: "...wherein the magnetic circuit consists of a single pair of unipolar magnetized magnets." In the Office Action, in the "Response to Arguments" section, the Examiner noted that the transitional phrases "comprising," "including," etc. were open ended and do not exclude additional, unrecited elements. Claim 22 has been amended to clarify that the magnetic circuit consists of a single pair of unipolar magnetized magnets. As discussed in MPEP 2111.03, when the phrase "consists of" appears in a clause of the body of a claim, rather than immediately following the preamble, it limits only the element set forth in that clause; other elements are not excluded from the claim as a whole.

In contrast to the magnetic circuit recited in claim 22, the magnetic circuit of Ikegame includes permanent magnets 12 and 13 which are secured to the upright portions 7. As shown in Figure 8 of Ikegame, this provides a structure having six poles on each side of the yoke 10 rather than the two poles on each side provided by only having a single pair of unipolar magnets as recited in claim 22.

This technical feature of claim 22 provides that that a number of separate parts are reduced, and thus defect rates are reduced. Further, the optical pickup actuator according to aspects of the present invention provides optimal linearity because the linearity is reduced with an increase of a number of polarization areas applied onto one surface.

Claims 23 and 25 depend on claim 22 and are therefore believed to be allowable for at least the foregoing reasons.

Withdrawal of the foregoing rejection is requested.

Claims 46 and 47

Amended claim 46 recites: "...a magnetic circuit consisting of: a pair of unipolar magnetized magnets positioned on the base to face each other at one side of the objective lens..." Claim 46 has been amended to clarify that the magnetic circuit **consists of** a single pair of unipolar magnetized magnets, and therefore it is respectfully submitted that claim 46 patentably distinguishes over the magnetic circuit of Ikegame, which further includes permanent magnets 12 and 13 which are secured to the upright portions 7.

Claim 47 depends on claim 46 and is therefore believed to be allowable for at least the foregoing reasons. Claim 47 has been amended to improve the form of the claim, no new matter has been added.

Withdrawal of the foregoing rejection is requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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